

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1-7, 12-16 and 19-25 are currently pending in this application. Claims 15 and 20 have been amended to more distinctly claim subject matter which the Applicant regards as the invention. Applicant submits that no new matter has been introduced into the application by these amendments.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 7 and 19 contain allowable subject matter.

Claim Rejections - 35 USC §103

Claims 1 – 3, 12, 13 and 16 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,553,240 to Dervarics in view of U.S. Patent No. 6,622,018 to Erikson.

Claims 4 – 6 and 14 are rejected as being unpatentable over Dervarics in view of Erikson as applied to claim 3, and further in view of U.S. Patent No. 6,571,103 to Novakov.

Claim 15 is rejected as being unpatentable over Dervarics in view of Erikson, U.S. Patent No. 6,484,040 to Wang, and U.S. Patent No. 6,330,448 to Otsuka et al. (hereinafter "Otsuka").

Claims 20 – 22 are rejected as being unpatentable over Dervarics in view of Erikson and Wang.

Claims 23 – 25 are rejected as being unpatentable over Dervarics in view of Erikson and Wang as applied to claim 22 above, and further in view of Novakov.

Regarding claim 1, in the opinion of the BPAI dated February 27, 2008, the majority states on page 10:

We find no disclosure that would teach or suggest an “auxiliary communication session including content of the primary communication session that is adapted to the capabilities of the auxiliary rendering device” [emphasis added].”

In the BPAI’s discussion of its interpretation of claim 1, the BPAI further states:

“In other words, if the content server does not know about the capabilities of the auxiliary rendering device, it cannot supply content of the primary communication that is adapted to those capabilities.”

Also, in the footnote on page 10, the majority states: “We find the adaption to the capabilities of the auxiliary device to be an explicit requirement of claim 1”.

The crux of the argument is that claim 1 was interpreted by the BPAI to mean that the content of the primary communication session includes the adaption to the rendering device. It cannot be interpreted as meaning that the content of the primary communication session is capable of being adapted. Nor can it be interpreted as meaning that the adaption occurs after the content of the primary communication session is received by the handset. However, Devarics discloses that the adaption is not included in the primary communication session and that the adaption occurs after receipt of the data. Therefore, Devarics does not disclose the limitation found in claim 1.

In Devarics, WML data is received from the web server in the “primary communication session”. The primary communication session is the communication between the server and the handset over the cellular network. The WML data is formatted for the WAP browser, and is displayed on the handset display. That is, the exact same data that is displayed on the handset is adapted by the handset for the printer. The printing capability comes from processing done by the handset only (col. 2 line 61- col. 3 line 3 and col. 6 lines 45-58). This does not disclose “auxiliary communication session including content of the primary communication session that is adapted to the capabilities of the auxiliary rendering device”. As such, claim 1 is allowable over the art of record.

Claims 2-6, 12-14 and 16 are ultimately dependent upon claim 1. Therefore, claims 2-6, 12-14 and 16 are allowable over the cited prior art of record for the same reasons provided above.

Claims 15 and 20, as amended, include the same limitation as found in claim 1 as to the auxiliary communication session including content of the primary communication session that is adapted to the capabilities of the auxiliary rendering device. Furthermore, claims 15 and 20 include the limitation that the rendering capability of the rendering device is greater than that of the mobile device itself. The Office states that Wang discloses this feature. Applicant respectfully disagrees.

Wang discloses that an automobile hi-fi audio device receives an infrared signal from a mobile device and amplifies the signal. There is no adaption by the device in Wang, only amplification. Furthermore, there is no rendering done by the hi-fi audio device, only amplification. The content is not adapted in any way. Therefore, for the same reasons as stated above in relationship to claim 1, and because Wang does not disclose this additional feature, claims 15 and 20 are allowable over the art of record. Similarly, claims 21-25, each of which ultimately depends from claim 20, are allowable as well.

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Based on the arguments presented above, withdrawal of all rejections of all pending claims is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing [amendment and] remarks, Applicants respectfully submit that the present application, including claims 1-7, 12-16 and 19-25 is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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